

## REMARKS

Claims 1 and 3-8 are currently pending in the present application, with claim 1 amended herein. No new matter is added by this amendment. The Examiner is thanked for indicating that claims 6 and 7 contain allowable subject matter and would be allowed if rewritten in independent form.

In the office action, claims 1, 4, and 5 are rejected under 35 U.S.C. § 103(a) as obvious in light of U.S. Patent No. 6,564,380 to Murphy in view of U.S. Patent No. 6,587,985 to Fukushima. Claim 2 is rejected under 35 U.S.C. § 103(a) as obvious in light of Murphy in view of U.S. Patent No. 6,850,559 to Driessen. Claims 3 and 8 are rejected under 35 U.S.C. § 103(a) as unpatentable over one or more of Murphy in view of Fukushima and in view of U.S. Patent No. 6,978,306 to Miller.

Claim 1 is amended herein to indicate that the lost packets are retransmitted after real transmission of all of the packets from moving image data is ended, and the moving image storage server obtains the generated moving image data composed of the received and stored packets and retransmitted lost packets. It is respectfully submitted that the relied upon portions of Murphy and Fukushima fail to teach these features, either alone or in combination.

In the Response to Arguments section of the most recent office action, it is stated that “[r]efering to Fukushima, consider at least the situation where the last packet(s) of data from real-time transmission are lost... Therefore, Fukushima discloses retransmitting lost packets after real-time transmission of packets is ended.”

Applicants strongly object to this interpretation of Fukushima. Nonetheless, it is submitted that Fukushima does not teach “the moving image storage server obtains the generated moving image data composed of the received and stored packets and retransmitted lost

packets,” as recited in claim 1. Fukushima fails to teach this because Fukushima indicates only packets being equal or higher than a predetermined value amongst the error packets are retransmitted in order to reduce the number of retransmission times. See col. 14, lines 29-32.

For at least the foregoing reasons, it is submitted that independent claim 1, as amended, patentably distinguishes over the relied upon portions of the cited references and is allowable.

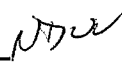
Claims 3-8 depend from claim 1 are therefore allowable for at least the same reasons.

### **CONCLUSION**

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

/Nathan Weber/   
Nathan Weber  
Reg. No. 50,958

### **CUSTOMER NUMBER 026304**

Telephone(212) 940-8564  
Fax (212-940-8986  
Docket No: 100794-00117 (FUJY 19.301)  
NW:cc